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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,136	01/21/2005	Dieter Raab	23146	4144
535	7590	03/16/2006	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			ABDELWAHED, ALI F	
		ART UNIT		PAPER NUMBER
		3722		

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/523,136	RAAB, DIETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ali Abdelwahed	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 20 December 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 6-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6,7 and 9-13 is/are rejected.
- 7) Claim(s) 8 and 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

It is suggested that in:

Page 5, line 25, after "...eccentric..." inset –pin--.

Appropriate correction is required.

### ***Claim Objections***

Claim 10 is objected to because of the following informalities:

Claim 10 does not state the claim it is dependent from.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 7, 9, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,236,125 to Lundgren.

Lundgren discloses a cutting-tool assembly (see fig. 2) comprising: a rotatable tool holder (31) formed with an outwardly open seat (39) having an outwardly directed floor (see fig. 2); a cartridge (29) engaged in the seat, carrying a cutting insert (32), and

formed with an inwardly open groove (44) defining a groove axis and having a surface confronting and extending at a small acute angle to the seat floor (see figs. 2, 9). An adjustment wedge (37) axially shiftable in the groove (see figs. 2, 9), having a formation (54) extending transversely of the axis, and bearing radially outward on the groove surface and radially inward on the seat floor (see figs. 2, 5), whereby axial shifting of the adjustment wedge radially shifts the cartridge in the groove (see fig. 2). Means including an eccentric pin (50) set in the cartridge and engaging the formation of the adjustment wedge for axially shifting the adjustment wedge in the groove and thereby radially displacing the cartridge in the seat on rotation of the pin (see figs. 2, 5). The cartridge is formed with a radially extending bore (51) opening into the seat and in which the pin is seated and rotatable (see figs. 2, 5). The formation is a transverse groove in the adjustment wedge (see fig. 5) and the eccentric pin has a cylindrical end extension (53) engaged in the transverse groove (see fig. 5). The seat floor is flat (see fig. 2) and the wedge has a flat face (39b) riding on the seat floor (see fig. 2). A retaining body (36) and means for pressing the retaining body against the cartridge and thereby locking the cartridge against displacement in the seat (defined by the screw threads engaged with the threaded hole).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundgren.

Lundgren discloses the claimed invention except for the angle being between 8° and 12°. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cutting-tool assembly of Lundgren with the angle being between 8° and 12°, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundgren.

Lundgren discloses the claimed invention except for the groove surface being generally cylindrical. However, it would have been an obvious matter of design choice to make the groove surface of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47.

### ***Response to Arguments***

Applicant's arguments with respect to claims 6-14 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.

AA

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03/10/2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER